



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Courtney M. Malveaux, Commissioner
Department of Labor and Industry

From: Joshua N. Lief
Senior Assistant Attorney General

Date: June 22, 2012

Subject: Letter of Assurance for Proposed Regulations - 16VAC25-35, *et seq.*: certified lead contractors

I have reviewed the Department of Labor and Industry's proposed Regulations, specifically 16 VAC25-35 *et seq.*: certified lead contractors that were posted on the Virginia Regulatory Town Hall on June 12, 2012. In my view, as counsel to the Department of Labor and Industry, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. This regulatory action is exempt from the Administrative Process Act pursuant to Va. Code § 2.2-4006 A.3. because the action consists only of changes in style or form or corrections of technical errors. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.